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**U.S. District Court
Eastern District of New York (Brooklyn)
CIVIL DOCKET FOR CASE #: 1:18-cv-01568-LB**

Clevenger v. U.S. Department Of Justice et al
Assigned to: Magistrate Judge Lois Bloom
Cause: 05:552 Freedom of Information Act

Date Filed: 03/14/2018
Jury Demand: Plaintiff
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

Ty Clevenger

represented by **Ty Clevenger**
Ty Clevenger
21 Bennett Avenue #62
New York, NY 10033
979-985-5289
Fax: 979-530-9523
Email: tyclevenger@yahoo.com
PRO SE

V.

Defendant

U.S. Department Of Justice

represented by **Kathleen Anne Mahoney**
United States Attorneys Office
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271 Cadman Plaza East
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Federal Bureau of Investigation

represented by **Kathleen Anne Mahoney**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

National Security Agency

represented by **Kathleen Anne Mahoney**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/14/2018	1	COMPLAINT against Ty Clevenger, filed by Ty Clevenger. (Attachments: # 1 Civil Cover Sheet) (Davis, Kimberly) (Entered: 03/16/2018)

03/14/2018		FILING FEE: \$ 400, receipt number 4653125728 (Davis, Kimberly) (Entered: 03/16/2018)
03/14/2018	2	Summons Issued as to Federal Bureau of Investigation, National Security Agency, U.S. Department Of Justice, U.S. Attorney and U.S. Attorney General (Davis, Kimberly) (Entered: 03/16/2018)
03/14/2018	5	MOTION for leave to allow Pro Se to Electronically File by Ty Clevenger. (Tavarez, Jennifer) (Entered: 03/19/2018)
03/16/2018	3	In accordance with Rule 73 of the Federal Rules of Civil Procedure and Local Rule 73.1, the parties are notified that if all parties consent a United States magistrate judge of this court is available to conduct all proceedings in this civil action including a (jury or nonjury) trial and to order the entry of a final judgment. Attached to the Notice is a blank copy of the consent form that should be filled out, signed and filed electronically only if all parties wish to consent. The form may also be accessed at the following link: http://www.uscourts.gov/uscourts/FormsAndFees/Forms/AO085.pdf . You may withhold your consent without adverse substantive consequences. Do NOT return or file the consent unless all parties have signed the consent. (Davis, Kimberly) (Entered: 03/16/2018)
03/16/2018	4	ORDER: Enclosed is a copy of the "Individual Practices of Magistrate Judge Lois Bloom." Plaintiff and defendants, alike, are required to follow these rules. Plaintiff is to provide a copy of this Order and the enclosed rules to defendants along with the summonses and complaint. Accordingly, if service is not made upon the defendants by 6/12/2018, or if plaintiff fails to show good cause why such service has not been effected by that date, it will be recommended that the Court should dismiss this action without prejudice. Plaintiff may choose to receive electronic notification of court issued filings in this civil case. If plaintiff is eligible and wishes to receive electronic notification of court issued documents, plaintiff should complete the attached Registration and Consent form and return the form to the Court. SO ORDERED by Magistrate Judge Lois Bloom, on 3/16/2018. C/mailed w/Attachments: # 1 Individual Practices of Magistrate Judge Lois Bloom, # 2 Instruction for Pro Se Registration and Consent for Electronic Service of Orders and Notices Issued by the Court in Civil Cases, # 3 Pro Se Registration and Consent Form. (<u>Service</u> upon Defendants due by 6/12/2018.) (Latka-Mucha, Wieslawa) (Entered: 03/16/2018)
03/19/2018		ORDER denying 5 Motion for Leave to Allow Pro Se to Electronically File. So Ordered by Judge William F. Kuntz, II on 3/19/2018. (Choudhury, Farhana) (Entered: 03/19/2018)
04/11/2018	6	Letter MOTION for Extension of Time to File Answer <i>on behalf of all Defendants - on consent</i> by U.S. Department Of Justice. (Mahoney, Kathleen) (Entered: 04/11/2018)
04/11/2018		ORDER granting 6 Motion for Extension of Time to Answer All Parties. So Ordered by Judge William F. Kuntz, II on 4/11/2018. (Kuntz, William) (Entered: 04/11/2018)
05/16/2018	7	ANSWER to 1 Complaint <i>with Declaration of Service</i> by All Defendants. (Mahoney, Kathleen) (Entered: 05/16/2018)
05/18/2018	8	SCHEDULING ORDER: The Court shall hold an initial conference on 6/20/2018 at 12:00 p.m. in Courtroom 11A South of the United States Courthouse. As <i>pro se</i> plaintiff represents that he is an attorney, he shall immediately register to use the Electronic Case Filing (ECF) system. All attorneys are required to file their submissions electronically. SO ORDERED by Magistrate Judge Lois Bloom, on 5/17/2018. C/mailed. (Latka-Mucha, Wieslawa) (Entered: 05/18/2018)
06/06/2018	9	MOTION to Amend/Correct/Supplement 1 Complaint <i>Proposed Amended Complaint</i> by Ty Clevenger. (Tavarez, Jennifer) (Entered: 06/07/2018)
06/06/2018	10	Pro Se Consent to Electronic Notification by Ty Clevenger. (Tavarez, Jennifer) (Entered: 06/07/2018)
06/06/2018		Email Notification Test - DO NOT REPLY. (Tavarez, Jennifer) (Entered: 06/07/2018)
06/12/2018	11	Letter MOTION to Adjourn Conference (1) <i>Extension of Time to File (a) Answer or Respond to First Amended Complaint and (b) Rule 26(f) Meeting Report; and (2) Request for Adjournment of conference scheduled for June 20, 2018</i> by U.S. Department Of Justice. (Mahoney, Kathleen) <i>Modified.</i> (Latka-Mucha, Wieslawa) (Entered: 06/12/2018)

06/12/2018	12	ORDER: By 11 letter-motion dated 6/12/2018, defendants request that the Court grant an extension of time for defendants to respond to the 9 First Amended Complaint, and adjourn the 6/20/2018 initial conference to a date after 7/13/2018. The requests are granted. Defendants shall respond to the First Amended Complaint by 7/11/2018. The Court shall hold an initial conference on 7/17/2018 at 11:30 a.m. in Courtroom 11A South. The parties shall exchange their Rule 26(a)(1) initial disclosures and file their Rule 26(f) Meeting Report with the Court by 7/12/2018. SO ORDERED by Magistrate Judge Lois Bloom, on 6/12/2018. (<i>Initial Conference re-set for 7/17/2018 at 11:30 a.m. in Courtroom 11A South before Magistrate Judge Lois Bloom. Plaintiff's 9 Motion to Amend terminated. Defendants' Answer due by 7/11/2018. Parties' Rule 26(a)(1) initial disclosures and Rule 26(f) Meeting Report due by 7/12/2018.</i>) Electronic notice to pro se Plaintiff via e-mail. (Latka-Mucha, Wieslawa) (Entered: 06/13/2018)
07/11/2018	13	ANSWER to Complaint <i>Answer to First Amended Complaint with Declaration of Service</i> by All Defendants. (Mahoney, Kathleen) (Entered: 07/11/2018)
07/12/2018	14	Letter to Honorable Lois Bloom on behalf of the parties regarding Rule 26(f) Meeting Report by U.S. Department Of Justice (Mahoney, Kathleen) (Entered: 07/12/2018)
07/17/2018		Minute Entry for proceedings held before Magistrate Judge Lois Bloom:Initial Conference Hearing held on 7/17/2018 (FTR Log #11:28-11:30; 1:05-1:26.) (DeAtley, Tavish) (Entered: 07/17/2018)
07/17/2018		SCHEDULING ORDER: The Court held an initial conference in this matter on July 17, 2018. As discussed on the record, the parties are encouraged to discuss plaintiff's outstanding FOIA requests. The Court shall hold a telephone status conference on August 23, 2018 at 11:00 a.m. After establishing contact with defendants' counsel, plaintiff's counsel shall telephone the Court at 718-613-2170. Parties are advised that they must contact each other before making any request for an adjournment to the Court. Any request for an adjournment must be received in writing at least forty-eight (48) hours before the scheduled conference. Ordered by Magistrate Judge Lois Bloom on 7/17/2018. (DeAtley, Tavish) (Entered: 07/17/2018)
08/22/2018	15	Letter to Honorable Lois Bloom in advance of conference summarizing status of Plaintiff's FOIA requests by U.S. Department Of Justice (Mahoney, Kathleen) (Entered: 08/22/2018)
08/23/2018		Minute Entry for proceedings held before Magistrate Judge Lois Bloom:Telephone Conference held on 8/23/2018. (FTR Log #11:15-11:37.) (Burks, Jory) (Entered: 08/23/2018)
08/23/2018		SCHEDULING ORDER: The Court held a telephone status conference in this FOIA action on August 23, 2018. As discussed on the record, the government is reviewing documents and shall make documents available to plaintiff on a rolling basis. The parties shall file a status report by October 9, 2018. The Court will hold a telephone status conference on October 11, 2018 at 10:00 a.m. After establishing contact with defendant's counsel, plaintiff's counsel shall contact the Court at (718) 613-2170. Ordered by Magistrate Judge Lois Bloom on 8/23/2018. (Burks, Jory) (Entered: 08/23/2018)
10/09/2018	16	STATUS REPORT by U.S. Department Of Justice (Attachments: # 1 Declaration) (Mahoney, Kathleen) (Entered: 10/09/2018)
10/10/2018	17	Letter dated 10/10/2018 to Magistrate Judge Bloom from Ty Clevenger regarding the events that have taken place since the last hearing. (See letter for details) (Tavarez, Jennifer) (Entered: 10/11/2018)
10/11/2018		Minute Entry for proceedings held before Magistrate Judge Lois Bloom: Telephone Conference held on 10/11/2018. (FTR Log #10:20-10:35.) (Burks, Jory) (Entered: 10/11/2018)
10/11/2018		ORDER: The Court held a telephone conference in this FOIA action on October 11, 2018. As discussed on the record, the parties shall file a status report by November 28, 2018. The Court shall hold a telephone status conference on December 5, 2018 at 10:30 a.m. After establishing contact with plaintiff's counsel, defendant's counsel shall contact the Court at (718) 613-2170. Ordered by Magistrate Judge Lois Bloom on 10/11/2018. (Burks, Jory) (Entered: 10/11/2018)
11/28/2018	18	STATUS REPORT <i>by all Defendants</i> by U.S. Department Of Justice (Mahoney, Kathleen) (Entered: 11/28/2018)
12/03/2018		ORDER: Chief Judge Irizarry has authorized the closure of the Courthouse on Wednesday, December 5, 2018, to commemorate the National Day of Mourning in honor of President H.W. Bush's passing. As I have many conferences that day, I shall proceed with case conferences as scheduled unless the parties request otherwise. If the parties seek an adjournment of their conference, they shall advise my clerk of their availability on Monday, December 10, 2018 between 12:00-3:00 p.m. to reschedule their matters. Ordered by Magistrate Judge Lois Bloom on 12/3/2018. (Burks, Jory) (Entered: 12/03/2018)

12/05/2018		Minute Entry for proceedings held before Magistrate Judge Lois Bloom: Telephone Conference held on 12/5/2018. (FTR Log #10:30-10:40.) (Burks, Jory) (Entered: 12/05/2018)
12/05/2018		ORDER: The Court held a telephone conference in this FOIA action on December 5, 2018. As discussed on the record, defendants shall provide their final production in response to plaintiff's FOIA requests by December 12, 2018. The parties shall meet and confer regarding narrowing the issues for Summary Judgment. The parties shall file a pre-motion conference request by January 15, 2019 in accordance with Judge Kuntz's Individual Motion Practices and Rules. Ordered by Magistrate Judge Lois Bloom on 12/5/2018. (Burks, Jory) (Entered: 12/05/2018)
01/14/2019	19	Letter MOTION for Extension of Time to File <i>pre-motion conference request - on consent</i> by U.S. Department Of Justice. (Mahoney, Kathleen) (Entered: 01/14/2019)
01/15/2019		ORDER: Defendants' write, with plaintiff's consent, to request an extension of time to file a pre-motion conference request. ECF No. 19 . The request is granted. The parties shall file any pre-motion conference request by January 22, 2019 in accordance with Judge Kuntz's Individual Motion Practices and Rules. Ordered by Magistrate Judge Lois Bloom on 1/15/2019. (Burks, Jory) (Entered: 01/15/2019)
01/18/2019	20	CONSENT to Jurisdiction by US Magistrate Judge by U.S. Department Of Justice. (Mahoney, Kathleen) (Entered: 01/18/2019)
01/22/2019	21	Letter <i>requesting pre-motion conference for Defendants' contemplated motion for summary judgment (with proposed briefing schedule)</i> by U.S. Department Of Justice (Mahoney, Kathleen) (Entered: 01/22/2019)
01/23/2019		Case no longer referred to Magistrate Judge Lois Bloom. (Tavarez, Jennifer) (Entered: 01/23/2019)
01/23/2019	22	CONSENT to Jurisdiction by US Magistrate Judge Case reassigned to Magistrate Judge Lois Bloom for all further proceedings. Judge William F. Kuntz, II no longer assigned to case. Please download and review the Individual Practices of the assigned Judges, located on our website . Attorneys are responsible for providing courtesy copies to judges where their Individual Practices require such. (Tavarez, Jennifer) (Entered: 01/23/2019)
01/25/2019		ORDER: Defendants' counsel writes to request a pre-motion conference and proposes a briefing schedule for defendants' anticipated summary judgment motion. No pre-motion conference is necessary at this time. The Court adopts the parties' proposed briefing schedule for summary judgment. Defendants' counsel shall serve their motion for summary judgment on plaintiff by March 8, 2019. Plaintiff shall serve his response on defendants' counsel by April 8, 2019. Defendants' counsel shall serve their reply on plaintiff and file the fully briefed motion for summary judgment by April 29, 2019. A courtesy copy of the fully briefed motion for summary judgment shall be delivered to chambers by that same date. Ordered by Magistrate Judge Lois Bloom on 1/25/2019. (Burks, Jory) (Entered: 01/25/2019)
03/06/2019	23	Letter MOTION for Extension of Time to File <i>/Serve Defendants' motion for summary judgment</i> by Federal Bureau of Investigation, National Security Agency, U.S. Department Of Justice. (Mahoney, Kathleen) (Entered: 03/06/2019)
03/07/2019		ORDER: Defendants' counsel writes to request an extension of time for service of defendants' summary judgment motion. ECF No. 23 . The request is granted. The Court adopts the parties' proposed briefing schedule for one consolidated summary judgment motion. Defendants' counsel shall serve their motion for summary judgment on plaintiff by June 7, 2019. Plaintiff shall serve his response on defendants' counsel by July 8, 2019. Defendants' counsel shall serve their reply on plaintiff and file the fully briefed motion for summary judgment by July 29, 2019. A courtesy copy of the fully briefed motion for summary judgment shall be delivered to chambers by that same date. Defendants are reminded that Local Rule 56.2 requires special notice to a <i>pro se</i> litigant regarding a motion for Summary Judgment. Ordered by Magistrate Judge Lois Bloom on 3/7/2019. (Burks, Jory) (Entered: 03/07/2019)
06/05/2019	24	Letter MOTION for Extension of Time to File <i>/serve Defendants' motion for summary judgment and remainder of briefing schedule - on consent</i> by Federal Bureau of Investigation, National Security Agency, U.S. Department Of Justice. (Mahoney, Kathleen) (Entered: 06/05/2019)

06/07/2019		ORDER: Defendants' counsel writes, with plaintiff's consent to request an extension of time for service of defendants' summary judgment motion. ECF No. 24 . This is defendants' second request. The request is granted. The Court adopts the parties' proposed briefing schedule. Defendants' counsel shall serve their motion for summary judgment on plaintiff by July 22, 2019. Plaintiff shall serve his response on defendants' counsel by August 22, 2019. Defendants' counsel shall serve their reply on plaintiff and file the fully briefed motion for summary judgment by September 12, 2019. A courtesy copy of the fully briefed motion for summary judgment shall be delivered to chambers by that same date. Defendant is reminded that Local Rule 56.2 requires special notice to a <i>pro se</i> litigant regarding a motion for Summary Judgment. Ordered by Magistrate Judge Lois Bloom on 6/7/2019. (Burks, Jory) (Entered: 06/07/2019)
07/18/2019	25	Letter MOTION for Extension of Time to File /serve Defendant's motion for summary judgment - until July 29, 2019; third request; on consent by Federal Bureau of Investigation, National Security Agency, U.S. Department Of Justice. (Mahoney, Kathleen) (Entered: 07/18/2019)
07/19/2019		ORDER: Defendants' counsel writes, with plaintiff's consent to request an extension of time for service of defendants' summary judgment motion. ECF No. 25 . This is defendants' third request. The request is granted; however, no further extensions of time will be considered absent extraordinary circumstances. The Court adopts the parties' proposed briefing schedule. Defendants' counsel shall serve their motion for summary judgment on plaintiff by July 29, 2019. Plaintiff shall serve his response on defendants' counsel by August 29, 2019. Defendants' counsel shall serve their reply on plaintiff and file the fully briefed motion for summary judgment by September 19, 2019. A courtesy copy of the fully briefed motion for summary judgment shall be delivered to chambers by that same date. Defendant is reminded that Local Rule 56.2 requires special notice to a <i>pro se</i> litigant regarding a motion for Summary Judgment. Ordered by Magistrate Judge Lois Bloom on 7/19/2019. (Burks, Jory) (Entered: 07/19/2019)
07/29/2019	26	Letter to Plaintiff enclosing Defendants' motion for summary judgment by Federal Bureau of Investigation, National Security Agency, U.S. Department Of Justice (Mahoney, Kathleen) (Entered: 07/29/2019)
08/28/2019	27	MOTION for More Definite Statement /UNOPPOSED MOTION to permit ECF filing, filed by Ty Clevenger. (Galeano, Sonia) (Entered: 08/28/2019)
08/28/2019	28	MOTION for Extension of Time to File Response/Reply /UNOPPOSED MOTION for Extension of Time to respond to the Defts' motion for summary judgment dated 7/29/19, filed by Ty Clevenger. (Galeano, Sonia) (Entered: 08/28/2019)
08/28/2019	29	NOTICE of Proposed Orders re: Unopposed Motion to permit ECF filing and Motion for Extension of Time, filed by Ty Clevenger. (Galeano, Sonia) (Entered: 08/28/2019)
08/29/2019		ORDER: Plaintiff writes, with defendants' consent, to request an extension of time to serve his response to defendants' motion for summary judgment. ECF No. 27 . Plaintiff also renews his request to allow Electronic Case Filing privileges. ECF No. 28 . The requests are granted. Plaintiff shall serve his response on defendants' counsel by September 13, 2019. Defendants' counsel shall serve their reply on plaintiff and file the fully briefed motion for summary judgment by September 27, 2019. A courtesy copy of the fully briefed motion for summary judgment shall be delivered to chambers by that same date. The Court shall permit <i>pro se</i> plaintiff attorney, Ty Clevenger, to register for and use the Court's ECF system for purposes of this case only. Ordered by Magistrate Judge Lois Bloom on 8/29/2019. (Burks, Jory) (Entered: 08/29/2019)
09/13/2019	30	MOTION for Extension of Time to File Response/Reply to Motion for Summary Judgment by Ty Clevenger. (Clevenger, Ty) (Entered: 09/13/2019)
09/16/2019	31	ORDER, endorsed on Plaintiff's 30 Motion for an Extension of Time to File Response/Reply to Defendants' 7/29/2019 Motion for Summary Judgment. Application is GRANTED. Plaintiff shall serve his response on defendants' counsel by September 17, 2019. Defendants' counsel shall serve their reply on plaintiff by October 1, 2019. SO ORDERED by Magistrate Judge Lois Bloom, on 9/16/2019. (Electronic notice to pro se Plaintiff via e-mail.) (Latka-Mucha, Wieslawa) (Entered: 09/17/2019)
09/17/2019	32	MOTION for Partial Summary Judgment and Response in Opposition to Defendants' Motion for Summary Judgment by Ty Clevenger. (Attachments: # 1 Exhibit A (Butowsky declaration), # 2 Exhibit B (Appeal letter), # 3 Proposed Judgment Proposed order) (Clevenger, Ty) (Entered: 09/17/2019)

10/01/2019	33	Notice of MOTION for Summary Judgment by Federal Bureau of Investigation, National Security Agency, U.S. Department Of Justice. (Attachments: # 1 Rule 56.1 Statement) (Mahoney, Kathleen) (Entered: 10/01/2019)
10/01/2019	34	NOTICE by Federal Bureau of Investigation, National Security Agency, U.S. Department Of Justice re 33 Notice of MOTION for Summary Judgment <i>Notice to Pro Se Litigant (Local Civil Rule 56.2) with Fed. R. Civ. P. 56 and Local Civil Rule 56.1 attached</i> (Mahoney, Kathleen) (Entered: 10/01/2019)
10/01/2019	35	MEMORANDUM in Support re 33 Notice of MOTION for Summary Judgment <i>Memorandum of Law in Support of Defendants' Motion for Summary Judgment</i> filed by Federal Bureau of Investigation, National Security Agency, U.S. Department Of Justice. (Mahoney, Kathleen) (Entered: 10/01/2019)
10/01/2019	36	AFFIDAVIT/DECLARATION in Support re 33 Notice of MOTION for Summary Judgment <i>Declaration of Gail Brodfehrer</i> filed by Federal Bureau of Investigation, National Security Agency, U.S. Department Of Justice. (Mahoney, Kathleen) (Entered: 10/01/2019)
10/01/2019	37	AFFIDAVIT/DECLARATION in Support re 33 Notice of MOTION for Summary Judgment <i>Second Declaration of David M. Hardy</i> filed by All Defendants. (Attachments: # 1 Exhibit Exhibits A to W) (Mahoney, Kathleen) (Entered: 10/01/2019)
10/01/2019	38	AFFIDAVIT/DECLARATION in Support re 33 Notice of MOTION for Summary Judgment <i>Declaration of Kevin G. Tiernan</i> filed by All Defendants. (Mahoney, Kathleen) (Entered: 10/01/2019)
10/01/2019	39	AFFIDAVIT/DECLARATION in Support re 33 Notice of MOTION for Summary Judgment <i>Declaration of steven E. Thompson</i> filed by All Defendants. (Mahoney, Kathleen) (Entered: 10/01/2019)
10/01/2019	40	NOTICE by Federal Bureau of Investigation, National Security Agency, U.S. Department Of Justice re 33 Notice of MOTION for Summary Judgment <i>Defendants' Statement of Compliance with Local Civil Rule 7.2 (without attached decisions0</i> (Mahoney, Kathleen) (Entered: 10/01/2019)
10/01/2019	41	REPLY in Support re 33 Notice of MOTION for Summary Judgment <i>Memorandum of Law in Further Support of Defendants' Motion for Summary Judgment and in Opposition to Plaintiff's Motion to Enjoin Compliance or Permit Discovery</i> filed by All Defendants. (Mahoney, Kathleen) (Entered: 10/01/2019)
10/01/2019	42	NOTICE by Federal Bureau of Investigation, National Security Agency, U.S. Department Of Justice re 33 Notice of MOTION for Summary Judgment <i>Defendants' Supplemental Statement of Compliance with Local Civil Rule 7.2 (without attached decisions)</i> (Mahoney, Kathleen) (Entered: 10/01/2019)
10/01/2019	43	<i>Letter to Honorable Lois Bloom enclosing courtesy copy of Defendants' motion for summary judgment</i> by Federal Bureau of Investigation, National Security Agency, U.S. Department Of Justice (Mahoney, Kathleen) (Entered: 10/01/2019)
10/08/2019	44	MOTION for Discovery <i>and Motion to Accept Supplemental Evidence</i> by Ty Clevenger. (Attachments: # 1 Proposed Order) (Clevenger, Ty) (Entered: 10/08/2019)
10/08/2019	45	REPLY in Support re 32 MOTION for Partial Summary Judgment <i>and Response in Opposition to Defendants' Motion for Summary Judgment</i> filed by Ty Clevenger. (Clevenger, Ty) (Entered: 10/08/2019)